

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0593-24 **Applicant:** Mrs M Power
Proposal: Proposed New Dwelling
Location: Adjacent To 47 Clough Road Gosberton Risegate Spalding
Terminal Date: 29th November 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
Section 15 - Conserving and enhancing the natural environment
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application seeking permission for a proposed new dwelling adjacent to 47 Clough Road, Gosberton Risegate.

Site Description

The site is located within the defined settlement boundary of Gosberton Risegate as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The plot is set to the west of 47 Clough Road and currently appears to be operating as a garage for this dwelling. Mature hedging sits to the front of the site which is a common feature along this stretch of Clough Road.

History

H08-0257-78 - Erection of bungalow and garage - Approved

H08-0089-98 - Residential development - Approved

H08-0656-99 - Erect bungalow with garage - Approved

H08-1569-04 - Residential development - one bungalow - Refused

Consultation Responses

Lincolnshire County Council Highways

Comments:

The proposal is for a new dwelling - outline with all matters reserved. The access exists and currently serves a workshop. The proposal will not have an adverse impact on the public highway in terms of vehicle movements consideration should be given to improving visibility when a reserved matters application is submitted.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Informatives

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Lincolnshire County Council Historic Places

Thank you for consulting us on this.

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

South Holland District Council Environmental Protection

No comments.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity Net Gain

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Gosberton Rise Gate, an Other Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location would typically be considered appropriate, where development comprises infill development or that on allocated/ committed sites.

Policy 1 identifies that within Other Service Centres development would 'normally' be limited to committed sites and infill development. Although this does not specifically identify that all development proposals within 'Other Service Centres' must be infill or committed sites, this is consideration of the policy. In this context, development that is not considered infill development or on committed sites, should typically be limited to those that have a justifiable reason to be located in such sites. The application site is set directly adjacent to 47 Clough Road with 53 on the opposite side separated by a track leading to another building set back from the highway - along Clough Road there is a relatively consistent pattern of linear development with the dwellings being set to the front of the plots themselves. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location due to it clearly being infill and therefore in accordance with the overall principles of the spatial strategy in this respect.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development

considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal is in outline form; however, an indicative site layout plan has been provided alongside a design and access statement. The indicative plans shows that the site could accommodate such a property with the dwelling itself being shown to be level with the adjacent dwelling to allow for the continuation of the somewhat linear pattern along Clough Road. The majority of dwellings in the immediate area are bungalows all of a similar design, size and style - it is of course important to note that there are some two storey buildings and therefore should this be the reserved matters design weight will be given to this. Overall, the size appears to be proportionate in relation to the plot and other dwellings but details on the design are of course reserved at this stage.

The indicative layout illustrates that a dwelling could be accommodated as to face directly onto the public highway with the access driveway connecting to this. It demonstrates sufficient space and sits well within its plot to ensure it leaves adequate room for the existing 47 Clough Road. Both properties would have ample amenity space. One dwelling would be an acceptable quantum of development and is of an appropriate density insofar as there would not be overdevelopment.

Although no details of the materials have been submitted, if outline approval is granted, the subsequent reserved matters application would be submitted with the LPA being required to assess the exact detail of the proposal, including to ensure that the materials are in keeping with the character of the area with the visual amenity of the development being determined when these details have been provided.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The application has been submitted in outline form with all matters reserved; as such, the LPA are unable to fully assess the potential overlooking impact of the future dwelling. Should the reserved matters design be a bungalow, similar to its direct neighbour, the site should be able to accommodate such a development without causing an unacceptable adverse impact in this respect and without resulting in unacceptable views, subject to the appropriate design at reserved matters stage. Of course, it could be that they design a two storey property due to there being other existing two storey dwellings nearby and therefore this must be adequately assessed at a later stage should a formal application be received.

Furthermore, in some respect the same can be said regarding overshadowing. The finished floor levels will not be raised due to the insignificant flood risk Gosberton Risegate faces, this would

benefit the scheme however it faces some concern due to its positioning along Clough Road. There is a distance of 12m to the east and 15m to the west - this could mean that there is the potential for overshadowing to arise however if the proposed new dwelling is a bungalow this could result in any shadowing that is cast is not material or significant. A hedge to the west is to remain and should also provide some cover for the neighbour on the west. In a similar light, any shadow that could be cast to the east could also be existing from No. 47 to the west, where the plot will be developed, therefore any issues here are not new. It is considered that at this stage, without details of the size, height and bulk of the proposed property the LPA cannot adequately determine if there is a material shadow to be cast onto the existing No. 47 and this must be assessed at a reserved matters stage with fully detailed plans. Therefore, the LPA take the view that this overshadowing is not material or significant and does not warrant a refusal in its own right.

As detailed above, the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Flood Risk and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 1 of the Environment Agency's Flood Maps. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. However, the maps are broad brush and do not take into account any flood defences. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The proposed residential development is in Flood Zone 1 and in a no danger hazard zone as outlined in the South Holland Strategic Flood Risk Assessment. It is therefore considered that there is a relatively low risk of flooding and that there is no significant harm that could impact residents. Due to the low flood risk on site, a flood risk assessment was not needed during the submission of

the application. It is worth noting that if the design of the reserved matters application is a bungalow the fact that the flood risk on site is low would benefit the scheme and should not cause severe or drastic harm to the residents despite having habitable rooms on the ground floor only - this of course could change during the reserved matters stage. No mitigation measures have been proposed due to the low risk of flooding as outlined and identified above.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of the National Planning Policy Framework 2023 in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms.

Lincolnshire County Council raised no objections to this development stating 'the access exists and currently serves a workshop. The proposal will not have an adverse impact on the public highway in terms of vehicle movements consideration should be given to improving visibility when a reserved matters application is submitted'. Informatives have also been recommended for the decision notice should the application be approved. Without knowing the amount of bedrooms the proposed new dwelling could hold the LPA cannot comment on the amount of parking, however the indicative block plan at this stage shows there is room for turning and parking on the drive to the front of the plot.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats, it makes sure development has a measurably positive impact (net gain) on biodiversity. Developers must deliver a BNG of 10% on site and means a development will result in more or better quality natural habitat than there was before development. There are a list of exemptions from the need for BNG with the developer in this instance believing they are exempt for the following reasons -

The site is exempt for BNG under Paragraph 8. (1) The biodiversity gain planning condition does not apply in relation to planning permission for development which -

- (a) consists of no more than 9 dwellings
- (b) is carried out on a site which has an area of no larger than 0.5 hectares: and
- (c) consists exclusively of dwellings which are self building or custom housebuilding

The development of course only consists of one dwelling and therefore conforms to criteria A, it is being carried out on a site which has an area less than 0.5 hectares. Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion by - individuals, associations of individuals or persons working with or for individuals or associations of individuals. It does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

The BNG Exemption Statement outlines that the site is to be used for only self-build or a custom housebuilding dwelling only. It is therefore considered that the proposed development meets all criteria to be exempt of BNG. Furthermore, the proposal as a whole is considered to meet the definition and requirement of a self-build/custom house build. The aforementioned Self-build and Custom Housebuilding Act 2015 further states that authorities must keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authorities area for their own self-build and custom housebuilding and they must publicise a its register under this section - the LPA in this instance therefore require the application to join the register and will tie them into a legal agreement ensuring that the property remains a self-build/ custom house build to remain exempt from the need for biodiversity.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed is acceptable in principle does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is

also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 28, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.